



State of New Hampshire  
DEPARTMENT OF ENVIRONMENTAL SERVICES

6 Hazen Drive, P.O. Box 95, Concord, NH 03302-0095  
(603) 271-1370 FAX (603) 271-1381



August 2, 2002

Mr. Gordon Carlstrom  
Chairman, Board of Selectmen  
Town of New Boston  
7 Meetinghouse Hill Road  
P.O. Box 250  
New Boston, New Hampshire 03070

**CERTIFIED MAIL (7099 3400 0003 0687 2318)**  
**RETURN-RECEIPT REQUESTED**  
**LETTER OF DEFICIENCY**

**No. ARD 2002-008**

**RE: Open Burning of Non-Conforming Materials**

Dear Mr. Carlstrom

**ADMINISTRATIVELY CLOSED**

On May 7, 2002, May 8, 2002, and May 29, 2002, the New Hampshire Department of Environmental Services, Air Resources Division ("DES"), performed inspections at the New Boston Transfer Station ("Facility") located at 412 Old Coach Road in New Boston, NH. The purpose of the inspections was to determine compliance with the NH Admin. Rules Env-A 100 *et seq.*, specifically, Env-A 1000, Prevention, Abatement, and Control of Open Source Air Pollution.

At the time of the May 7, 2002 visit, the DES inspector observed and photographed the following non-conforming materials in burn pile number one and burn pile number two: charred painted wood, pressure treated wood, wafer board, cardboard, stained furniture, pvc piping, particle board, insulation, shingles and metal. The DES inspector noted that the town of New Boston did not have a current Authorization to Burn Brush and Untreated Wood issued by DES. The DES inspector discussed the presence of non-conforming material in both burn piles with the Facility Manager, Bonnie Koch. The inspector advised Ms. Koch that the Town of New Boston needed to obtain an Authorization to Burn, and gave her instructions on how to obtain this authorization. Ms. Koch requested that DES perform a follow-up inspection on the following day.

On May 8, 2002, the DES inspector returned to the Facility and met with Elaine Wells, the transfer attendant. The DES inspector noted that most of the non-conforming material had been removed from the burn piles. However, some non-conforming material remained in the burn pile, including some plywood, painted wood and a treated chair. The inspector advised Ms. Wells to remove the remaining items prior to burning.

On May 10, 2002, DES sent a letter to the New Boston Board of Selectmen outlining the results of the May 7, 2002 and May 8, 2002 inspections and DES's concern regarding the non-conforming material observed at the burn site. The letter included a list of materials that can be burned in accordance with Env-A 1000 and included instructions on how to apply for an authorization to burn brush and untreated wood. Lastly, the letter outlined several ways to prevent non-conforming material from entering the burn area.

During the May 29, 2002 inspection, the DES inspector again observed and photographed non-conforming materials in burn pit number two, including: charred painted wood, plywood, insulation, glass, metal, brush over 5" in diameter, and material believed to contain asbestos (ACM). Laboratory test results later proved that this material contained 5% Chrysotile asbestos.

Based upon these findings, DES has determined that the Facility has been operating in violation of Env-A 1001.04(a)(2), Division Authorization for Certain Open Burning. Env-A 1001.04(a)(2) requires that written authorization be obtained from DES prior to conducting open burning, and restricts any city or town from burning anything except brush or untreated wood. Only brush and untreated wood, as defined below, shall be accepted and treated at the burn site:

- a. Env-A 101.54 defines **Brush** as "tree tops, limbs, saplings and tree cuttings, to include attached leaves, which are five (5) inches in diameter or less"; and
- b. Env-A 101.286 defines **Untreated wood** as "timber, board or sawn dimensional lumber, which has not been treated, coated or preserved. This term does not include any manufactured building material, such as plywood or wafer board."

On June 24, 2002, DES issued Authorization to Burn Brush and Untreated Wood Number OB-000044024 ("the Authorization") to the Town of New Boston.

DES believes that the remaining deficiencies can be resolved if the Facility adheres to the following procedures:

1. Burn only brush and untreated wood as described in the Authorization, Env-A 101.54 and Env-A 101.286. Separate materials that do not meet the specifications of Condition 2 of the Authorization, and Env-A 101.54 and Env-A 101.286 from the burn area; and
2. Submit a written statement to DES within ten (10) days of receipt of this Letter of Deficiency attesting that if open burning activities continue, they will be conducted in accordance with Env-A 1000. Send this written statement to:

Joseph Ritz, Enforcement Specialist  
New Hampshire Department of Environmental Services  
Air Resources Division, Compliance Bureau  
6 Hazen Drive, P.O. Box 95  
Concord, NH 03302-0095

In addition, due to the nature of the material burned in violation of Env-A 1000, the ash residue may be a hazardous waste. As stated in the letter from DES which accompanied the Authorization, failure to segregate unauthorized materials may cause the ash residue to exhibit hazardous waste characteristics which could impose a significant financial burden on the community should secure disposal of the entire accumulation of ash residue be required. Therefore, based on the above violations, we have referred this issue to the DES Waste Management Division. Should you have any questions regarding ash sampling and analysis or ash disposal, please contact Richard Reed at (603) 271-2900.

In the event compliance is not achieved within the specified time frame, DES may initiate formal action, including issuing an order requiring the deficiencies to be corrected and/or referring this matter to the NH Department of Justice for civil and/or criminal penalties. DES reserves the right to pursue administrative fines for the violations noted above.

If you have any questions concerning this Letter of Deficiency, please contact Joseph Ritz, Compliance Bureau, Air Resources Division, at (603) 271-1391.

Sincerely,

A handwritten signature in black ink is written over the word "COPY" in large, bold, black capital letters. The signature appears to be "P. Monroe".

Pamela G. Monroe  
Compliance Bureau Administrator  
Air Resources Division

PGM/jwr

Env-A 101.54, Env-A 101.286 and Env-A 1000

cc: R. Scott, NHDES-ARD  
G. Rule, DES Legal Unit  
R. Kurowski, EPA, Region  
R. Reed, DES WMD